



1656

PATENT

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Case No. 00/553-A)

RECEIVED

OCT 22 2001

TECH CENTER 1600/2900

In re Application of:

Chad A. Mirkin, et al.

Examiner: J. Riley

Serial No.: 09/927,777

Filed: August 10, 2001

Group Art Unit: 1656

For: Nanoparticles Having Oligonucleotides
Attached Thereto and Uses Therefor

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

TRANSMITTAL LETTER

1. We are transmitting herewith the attached:

- a) Fifth Supplemental Information Disclosure Statement
- b) PTO 1449 form and four references
- c) Return Receipt Postcard

2. With respect to additional fees:

A check in the amount of \$0.00 is attached.

3. GENERAL AUTHORIZATION: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Asst. Commissioner for Patents, Washington, D.C. 20231 on this 16 day of October, 2001.

Dated:

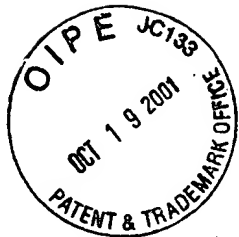
10/16/01

By:

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Our Case No. 00-653-A)

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TECH CENTER 1600/2900

In re Application of:

Chad A. Mirkin, et al.

Serial No. 09/927,777

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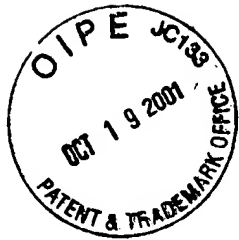
FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In order to comply with discretionary regulations 37 CFR §§1.97 and 1.98, attached hereto is Form PTO-1449, copies¹ of the documents listed thereon. These documents contain information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

1. International Application No. WO 92/04469, published 19 March 1992
2. International Application No. WO 90/02205, published 8 March 1990

¹To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the file of a parent application. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated therebetween; if no such English language equivalent is cited, then none is known to undersigned.



3. Borman, *Chem. Eng. News*, December 9, 1996, pp. 42-43 (1996)
4. Tomlinson et al. *Anal Biochem*, Vol. 171, pp. 217-222 (1998)

In accordance with MPEP Sections 609 and 707.05(b), it is requested that each document cited (including any cited in applicant's specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

The present Disclosure Statement is being submitted in compliance with 37 CFR 1.56 insofar as an Examiner might consider any of the cited documents important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner, in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 CFR 1.104(a) and 1.106(b) and, in the course of each search, will review for relevance every document cited on the attached form even if not initialed.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,

Dated: October 16, 2001

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